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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DENNIS COLLINS, CHRISTOPHER)
WAYNE COOPER, JOSHUA JOHN)
COVELLI, KEITH WILSON DOWNEY,)
MERCEDES RENEE HAEFER,)
DONALD HUSBAND, VINCENT)
CHARLES KERSHAW, ETHAN MILES,)
JAMES C. MURPHY, DREW ALAN)
PHILLIPS, JEFFREY PUGLISI,)
DANIEL SULLIVAN, TRACY ANN)
VALENZUELA, AND CHRISTOPHER)
QUANG VO,)
)
Defendants.)

No. CR 11-00471-DLJ

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND COMPLIANCE
DATE FOR 30 DAYS FOR COURT'S
MARCH 16, 2012 DISCOVERY ORDER**

The government hereby request that the Court enter this order extending the compliance

STIP & ~~PROP~~ ORDER
NO. CR 11-00471-DLJ

1 date for 30 days in the Court's March 16, 2012 discovery order in the above-captioned case. The
2 defense has no objection.

3 1. On February 17, 2012, the Court took a number of motions under submission,
4 including a defense discovery motion filed by defendant Valenzuela and joined by other
5 defendants. That motion sought an order compelling "the production to the defense discovery
6 coordinator within 10 days of all pertinent data seized from all defendants, exclusive of any non-
7 pertinent data." The motion also sought an order "the government produce to the defense
8 discovery coordinator within 10 days of this order all pertinent data seized from all defendants in
9 the above-captioned matter, exclusive of any non-pertinent data." The defense also argued that
10 the government should erase all non-pertinent data on devices held by the government or on
11 mirrors of any devices sized by the government. On March 16, 2012, the Court issued its order
12 on defendants' motions to compel discovery of the responsive electronic information that it had
13 seized pursuant to search warrants executed on January 27 and 28, 2011, and to return and delete
14 the non-responsive data. In its March 16, 2012 order, the Court stated that: "In sum, . . . the
15 government has no claim to data outside the scope of the warrant. By some other reasonable
16 effort that minimizes the government's exposure to non-targeted documents, no later than 30
17 days from the date of this order, the government must endeavor to give back to the defendants
18 data outside the scope of the warrants." The Court also ordered the government "mak[e] the
19 targeted data available to the defendants."

20 2. The government is also attempting to comply with the Court's order to the best of
21 its ability. The government has returned, or is in the process of returning, all digital devices that
22 fall outside the scope of the search warrants.

23 3. However, the government needs additional time to comply with the Court's
24 March 16, 2012 order.

25 4. Accordingly, the government is seeking, and defense counsel do not oppose, a 30-
26 day extension of the compliance date in the Court's March 16, 2012 order. The government has
27 sent a copy of this stipulation to James McNair Thompson, who circulated it to all defense
28 counsel with notice that if anyone objected, he would not participate in the application for an

1 extension. After a period of 48 hours, a majority of defense counsel assented to the application,
2 and no defense counsel objected to this order.

3
4 DATED: 4/9/12

5 /s/
JAMES McNAIR THOMPSON

6
7 DATED: 4/9/12

8 /s/
MATTHEW A. PARRELLA
HANLEY CHEW
Assistant United States Attorney

9
10 ~~PROPOSED~~ ORDER

11 Upon application of the United States of America, and good cause appearing, IT IS
12 HEREBY ORDERED that the 30-day compliance date set forth in the Court's March 16, 2012
13 in the above-captioned case be and hereby is extended by an additional 30 days.

14 IT IS SO ORDERED.

15
16 DATED: 'Crtkt'; .4234

17 Paul S. Grewal
18 HONORABLE PAUL S. GREWAL
United States Magistrate Judge